

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

CRYSTAL GOOD, et. al.,  
Plaintiffs,

v.

Case No. 2:14-cv-01374

WEST VIRGINIA-AMERICAN  
WATER COMPANY, et. al.,  
Defendants.

Consolidated with:  
Case No. 2:14-cv-11011  
Case No. 2:14-cv-13164  
Case No. 2:14-cv-13454

ORDER

Pending is the Motion of the plaintiffs for disbursement of remaining attorneys' fees to all counsel for the plaintiffs, filed May 17, 2019, by Settlement Class Counsel Benjamin L. Bailey, Marvin W. Masters and Anthony J. Majestro, and Lead Settlement Class Counsel Van Bunch, Stuart Calwell and Kevin W. Thompson.

In the Motion filed by the above-named counsel it is stated that "the undersigned have agreed with the American Water Defendants to accept a fixed amount of \$6.7 million for fees associated with claims paid from the Contingent Fund." The American Water Defendants are American Water Works Company, Inc., American Water Works Service Company, Inc., and West Virginia American-Water Company.

It is further stated that "The American Water Defendants, by counsel, have agreed not to object to this amount." The plaintiffs also propose that "the fee amount be disbursed 3/4 now and the remaining 1/4 upon final distribution of payments to eligible class members."

After total claims of \$162,500,000 had been filed in this case, it was thought that the Contingent fund of \$50 million would be exhausted by claims together with the costs and plaintiff attorneys' fees associated therewith. It is now apparent that the Contingent Fund claims and costs thus far paid and the remaining Contingent Fund claims, costs and associated plaintiff attorneys' fees to be resolved will result in a Contingent Fund payout of all Contingent Fund claims, costs and associated plaintiff attorneys' fees in an amount less than the \$50 million figure for all such claims, costs and fees.

As a consequence, the amount of Contingent Fund plaintiff attorneys' fees and the timing of payment is essentially an issue between counsel for the plaintiffs and the American Water Defendants who in effect are responsible for the payment.

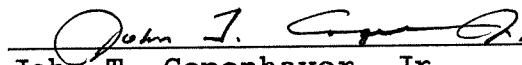
Inasmuch as the American Water Defendants have, on May 29, 2019, filed their response to the plaintiffs' Motion in which they state that they do not object to the fee request of

\$6.7 million and do not object to its payment to the extent of 3/4 upon court approval and the remaining 1/4 upon final distribution of payments to eligible class members, the court, for good cause shown, grants the relief sought in the Motion and approves payment of plaintiff attorneys' fees as requested therein.

It is accordingly ORDERED that the remaining plaintiff attorneys' fees in this case be fixed in the amount of \$6.7 million, with 3/4 of that sum to be paid by the Settlement Administrator at this time out of the Contingent Funds on hand and the remaining 1/4 to be paid upon final distribution of payments to eligible class members.

The Clerk is directed to forward copies of this order to counsel for the parties.

DATED: June 6, 2019

  
John T. Copenhaver, Jr.  
Senior United States District Judge